



notice to the LOA 38 Sub-Class has been provided in accordance with the Court's Order Granting Preliminary Approval of Class Action Settlement and Setting a Hearing for Final Approval of Settlement [Doc. 126] entered on June 16, 2020 (the "Preliminary Approval Order"); (4) taken into account the presentations and other proceedings at the Final Approval Hearing; and (5) considered the Settlement in the context of all prior proceedings had in this litigation. Accordingly, the Court enters the following FINDINGS and CONCLUSIONS:

A. All capitalized terms used herein are as defined in the Settlement Agreement and Release, unless the context clearly indicates otherwise.

B. The Court finds and concludes that it has subject-matter jurisdiction over this Action and all claims within this Action, and personal jurisdiction over all the parties to this Action, including all members of the LOA 38 Sub-Class.

C. The settlement notice to LOA 38 Sub-Class Members was comprised of individual mailed and emailed notice to all Sub-Class Members for whom Defendants have an email or postal address. The Court finds and concludes that this notice (i) was the best notice practicable under the circumstances, (ii) was reasonably calculated, under the circumstances, to apprise the LOA 38 Sub-Class Members of the settlement of their claims, and of their right to object and to appear at the Final Approval Hearing, (iii) was reasonable and constituted due, adequate, and sufficient notice to all persons entitled to be provided with notice, and (iv) fully complied with due process principles and Federal Rule of Civil Procedure 23.

D. The Court has held a Final Approval Hearing to consider the fairness, reasonableness, and adequacy of the Settlement and has been advised that there have been zero (0) objections to the Settlement.

E. The Court finds and concludes that the Settlement is the product of good faith, arm's-length negotiations between the Class Representative and Class Counsel, on the one hand, and Defendants and their counsel, on the other hand.

F. The Court finds and concludes that the Settlement, as provided for in the Settlement Agreement, is in all respects fair, reasonable, adequate, and proper, and in the best interest of the LOA 38 Sub-Class. In reaching this conclusion, the Court considered a number of factors, including: (i) the strength of Plaintiff's case; (ii) the risk, expense, complexity, and likely duration of further litigation; (iii) the amount offered in settlement; (iv) the extent of discovery completed, and the stage of the proceedings; (v) the experience and views of counsel; and (vi) the reaction of the LOA 38 Sub-Class Members to the proposed settlement.

G. The Court finds and concludes that all LOA 38 Sub-Class Members shall be subject to all of the provisions of the Settlement, the Settlement Agreement, this Order, and final Judgment to be entered by the Clerk of the Court.

H. The Court has reviewed the application for an award of fees, costs, and expenses submitted by Class Counsel and the exhibits, memoranda of law, and other materials submitted in support of that application. The Court recognizes that Defendants have not opposed the application for an incentive award of \$2,000.00 to be paid consistent with the Settlement to the Class Representative and an application for an award of attorneys' fees in the amount of \$84,116.00 and unreimbursed litigation expenses in the amount of \$18,551.00 to be paid by Defendants consistent with the Settlement. The Court finds that Class Counsel's request for attorneys' fees and expenses is fair, reasonable, and appropriate and hereby awards fees and expenses to Class Counsel in the aggregate amount of \$102,667.00 and an incentive award to the Class Representative in the amount of \$2,000.00, to be paid by Defendants in accordance with the terms of the Settlement Agreement.

Having finally approved the Settlement Agreement, the Action and the claims alleged therein are hereby ordered dismissed with prejudice in accordance with the provisions of the Settlement Agreement. The Court will enter a final judgment consistent with this Order.

**IT IS SO ORDERED.**

DATED: 10/19/2020

Handwritten signature of Thomas M. Durkin in black ink.

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The Honorable Thomas M. Durkin  
UNITED STATES DISTRICT JUDGE